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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,862

11/26/2003

Jason P. Chalecki

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,862	Applicant(s) CHALECKI ET AL.	
	Examiner Cheryl Lewis	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/29/03; 4/5/04; 5/27/04; 11/1/04; 4/4/05; 12/20/05; 12/20/05; 2/22/06; 5/10/06; 7/25/06; 10/13/06; 12/15/06; & 6/1/07.

DETAILED ACTION

1. Claims 1-30 are presented for examination.

INFORMATION DISCLOSURE STATEMENT

2. The information disclosure statements filed on 12/29/03; 4/5/04; 5/27/04; 11/1/04/ 4/4/05; 12/20/05; 2/22/06; 5/10/06; 7/25/06; 10/13/06; 12/15/06/ and 6/1/07, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Objections

3. Claims 19 and 26-30 are objected to because of the following informalities:

Claim 19 is a software claim that executes a series on executable statements. These executable statements comprise reading processing instructions (PI) which further consists of instructions of href attribute, a name, and a target. This claim should be amended to include a computerized processing device to "execute" the reading and processing instructions (PI) of the claimed executable statements.

Examiner kindly requests that the applicants take the above suggested recommendation into consideration.

Likewise, claims 26-30 include processing instruction (PI) executable statements which are software program states to read, determine, and install (The

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reading, determining, and installing are all software properties of a software, (see class/subclass 717/100-101)).

These should also be amended to include hardware to implement the execution of these software program statements.

The Examiner kindly suggest include a processor and a memory after the preamble of the claim limitation and before the first claim limitation that recites "reads".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims recite security precautions, however there is no detailed information describing these security precautions nor do the claims provide how these security precautions would produce a concrete and useful result of the claimed subject matter presented in claims 26-30.

Allowable Subject Matter

6. Claims 1-25 are allowed.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynar et al. (Publication No.: US 2004/0003389 A1 filed June 5, 2002, hereinafter Reynar).

9. Regarding Claims 26-30, Reynar teaches a mechanism for downloading software components from a remote source for use by a local software application.

The method and associated system for downloading software components from a remote source for use by a local software application as taught or suggested by Reynar includes:

reads (¶0036) a processing instruction (PI) in an XML data file governed by a solution to determine the solution's origin, wherein the PI contains an XML data file governed by a solution to determine the solutions's origin, wherein the PI contains a name (¶0028, 'If the user is informed that the components on her client-side computer 20 should be updated, or that corrections or improvements to existing components are

available, or that new functionality is available that will transform the user's existing application...'; '...for allowing the user to connect to the web server 49 to download files from the manifest 38.'; ¶0029, 'The manifest 38 may include all components, include all components, including dlls, component add-ins, Extensible Markup Language (XML), schema files and all associated XML files required by a software application for operating properly or required for improving, or adding, functionality to the software application 100.', ¶0030, 'A schema may be attached to the manifest 38 to define permissible data content, data type and data structure of the manifest as a file and for associating the manifest with files...', ¶0054, [notification means from online service to receive update]); determines security precautions for executing the solution based on the solution's origin (¶0028, 0054, and 0056-0058); and silently installs the solution from a source other than the solution's origin within a sandbox enforcing the security precautions (¶0028, 0054, and 0056-0058);

an application used to create an HTML electronic form associated with the XML data file (¶0041-0042); and

PI version and a product version (¶0028, 0054, and 0056-0058).

NAME OF CONTACT

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
July 9, 2007